

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-13-059
-vs-)	
)	DECISION
VIVIAN JOSEPHINE PLANTE,)	
)	
Defendant.)	

On July 26, 2018, Defendant was sentenced to the Department of Corrections for 13 months for placement in a residential alcohol treatment program for Count I: Driving Under the Influence – 4th or Subsequent Offense. If Defendant successfully completed the treatment program, the remainder of the 13 months would be served on probation. In addition, Defendant was placed on formal probation for five (5) years, all suspended, following the 13 months. As to Count II: Criminal Endangerment, Defendant was sentenced to one year to the Department of Corrections to run consecutively to Count I. As to Count III: Criminal Endangerment, Defendant was sentenced to one year to the Department of Corrections to run consecutively to Counts I and II. The State agreed to dismiss the offense of Criminal Possession of Dangerous Drugs in Lake County Cause No. TK-17-580 and forego any additional charges including, but not limited to, Bail Jumping. Defendant received credit for 95 days of time served.

On April 5, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 5th day of April, 2019.

DATED this 25th day of April, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



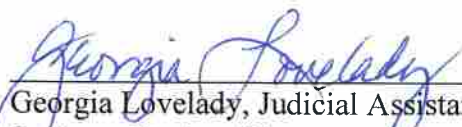
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 7th day
of May, 2019, to:

Clerk of District Court (Original)
Vivian Josephine Plante #3024552, Defendant (2)
Hon. Deborah Kim Christopher
Brent Getty, Defense Counsel
James Lapotka, Esq.
Board of Pardons and Parole
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division